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#### UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA

15 - 31087

### **CHAPTER 13 PLAN** AND RELATED MOTIONS

Name of Debtor(s)	Max Wheeler	Case No:
This plan, dated Ma	rch 3, 2015 , is:	
□	the <i>first</i> Chapter 13 plan filed in this case. a modified Plan, which replaces the □confirmed or □unconfirmed Plan dated.  Date and Time of Modified Plan Confirming Hearing:	
	Place of Modified Plan Confirmation Hearing:	
The l	Plan provisions modified by this filing are:	

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this Plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This Plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless a written objection is filed not later than seven (7) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: \$132,050.00

Creditors affected by this modification are:

Total Non-Priority Unsecured Debt: \$30,816.00

Total Priority Debt: **\$0.00** Total Secured Debt: \$136,569.19

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			)	, ( )	) /

- 1. Funding of Plan. The debtor(s) propose to pay the trustee the sum of \$835.00 Monthly for 60 months. Other payments to the Trustee are as follows: NONE . The total amount to be paid into the plan is \$ 50,100.00 .
- 2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.
  - A. Administrative Claims under 11 U.S.C. § 1326.
    - 1. The Trustee will be paid the percentage fee fixed under 28 U.S.C. § 586(e), not to exceed 10%, of all sums disbursed except for funds returned to the debtor(s).
    - 2. Debtor(s)' attorney will be paid \$\_4,500.00 balance due of the total fee of \$\_5,000.00 concurrently with or prior to the payments to remaining creditors.
  - B. Claims under 11 U.S.C. §507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

<u>Creditor</u> <u>Type of Priority</u> <u>Estimated Claim</u> <u>Payment and Term</u>

- 3. Secured Creditors: Motions to Value Collateral ("Cramdown"), Collateral being Surrendered, Adequate Protection Payments, and Payment of certain Secured Claims.
  - A. Motions to Value Collateral (other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) or by the final paragraph of 11 U.S.C. § 1325(a)). Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion to value collateral as set forth herein.

This section deals with valuation of certain claims secured by real and/or personal property, other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) [real estate which is debtor(s)' principal residence] or by the final paragraph of 11 U.S.C. § 1325(a) [motor vehicles purchased within 910 days or any other thing of value purchased within 1 year before filing bankruptcy], in which the replacement value is asserted to be less than the amount owing on the debt. Such debts will be treated as secured claims only to the extent of the replacement value of the collateral. That value will be paid with interest as provided in sub-section D of this section. You must refer to section 3(D) below to determine the interest rate, monthly payment and estimated term of repayment of any "crammed down" loan. The deficiency balance owed on such a loan will be treated as an unsecured claim to be paid only to the extent provided in section 4 of the Plan. The following secured claims are to be "crammed down" to the following values:

<u>Creditor</u> <u>Collateral</u> <u>Purchase Date</u> <u>Est Debt Bal.</u> <u>Replacement Value</u>

B. Real or Personal Property to be Surrendered.

Upon confirmation of the Plan, or before, the debtor(s) will surrender his/her/their interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled may be paid as a non-priority unsecured claim. Confirmation of the Plan shall terminate the automatic stay as to the interest of the debtor(s) and the estate in the collateral.

<u>Creditor</u> <u>Collateral Description</u> <u>Estimated Value</u> <u>Estimated Total Claim</u>

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C. Adequate I Totection I aymen	C.	equate Protection Payme	nts.
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The debtor(s) propose to make adequate protection payments required by 11 U.S.C. § 1326(a) or otherwise upon claims secured by personal property, until the commencement of payments provided for in sections 3(D) and/or 6(B) of the Plan, as follows:

Creditor

Collateral Description

Adeq. Protection Monthly Payment

To Be Paid By

-NONE-

Any adequate protection payment upon an unexpired lease of personal property assumed by the debtor(s) pursuant to section 6(B) of the Plan shall be made by the debtor(s) as required by 11 U.S.C. § 1326(a)(1)(B) (payments coming due after the order for relief).

D. Payment of Secured Claims on Property Being Retained (except only those loans provided for in section 5 of the Plan):

This section deals with payment of debts secured by real and/or personal property [including short term obligations, judgments, tax liens and other secured debts]. After confirmation of the Plan, the Trustee will pay to the holder of each allowed secured claim, which will be either the balance owed on the indebtedness or, where applicable, the collateral's replacement value as specified in sub-section A of this section, whichever is less, with interest at the rate provided below, the monthly payment specified below until the amount of the secured claim has been paid in full. Upon confirmation of the Plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed with and sustained by the Court.

Creditor

Collateral

Approx. Bal. of Debt or "Crammed Down" Value

Interest Rate

Monthly Paymt & Est. Term\*\*

-NONE-

E. Other Debts.

Debts which are (i) mortgage loans secured by real estate which is the debtor(s)' primary residence, or (ii) other long term obligations, whether secured or unsecured, to be continued upon the existing contract terms with any existing default in payments to be cured pursuant to 11 U.S.C. § 1322(b)(5), are provided for in section 5 of the Plan.

- 4. Unsecured Claims.

  - B. Separately classified unsecured claims.

Creditor -NONE-

**Basis for Classification** 

Treatment

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5.	Mortgage Loans Secured by Real Property Constituting the Debtor(s)' Primary Residence; Other Long Term 1087
	Payment Obligations, whether secured or unsecured, to be continued upon existing contract terms; Curing of any
	existing default under 11 U.S.C. § 1322(b)(5).

A. Debtor(s) to make regular contract payments; arrears, if any, to be paid by Trustee. The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below, without interest unless an interest rate is designated below for interest to be paid on the arrearage claim and such interest is provided for in the loan agreement.

		Regular		Arrearage		Monthly
		Contract	Estimated	Interest	Estimated	Arrearage
Creditor	Collateral	Payment	Arrearage	Rate	Cure Period	Payment
JPMorgan Chase Bank	Location: 5406 Bellmeadows	1,008.44	10,000.00	0%	14 months	Prorata
	Road, Chesterfield County,					
	Virginia					

**B.** Trustee to make contract payments and cure arrears, if any. The Trustee shall pay the creditors listed below the regular contract monthly payments that come due during the period of this Plan, and pre-petition arrearages on such debts shall be cured by the Trustee either pro rata with other secured claims or with monthly payments as set forth below.

		Regular			Monthly
		Contract	Estimated Interest	Term for	Arrearage
Creditor	Collateral	Payment	Arrearage Rate	Arrearage	Payment
NONE					

C. Restructured Mortgage Loans to be paid fully during term of Plan. Any mortgage loan against real estate constituting the debtor(s)' principal residence upon which the last scheduled contract payment is due before the final payment under the Plan is due shall be paid by the Trustee during the term of the Plan as permitted by 11 U.S.C. § 1322(c)(2) with interest at the rate specified below as follows:

		Interest	Estimated	
<u>Creditor</u> -NONE-	<u>Collateral</u>	Rate	Claim	Monthly Paymt& Est. Term**

- **6. Unexpired Leases and Executory Contracts.** The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.
  - A. Executory contracts and unexpired leases to be rejected. The debtor(s) reject the following executory contracts.

### Creditor Type of Contract -NONE-

**B.** Executory contracts and unexpired leases to be assumed. The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

			Monuny	
			Payment	Estimated
Creditor	Type of Contract	Arrearage	for Arrears	Cure Period
NONE			-	

Monthly

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7. Liens Which Debtor(s) Seek to Avoi	•	Liens Which	Debtor(s)	Seek to Avoid
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A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f). The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien. If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

Creditor -NONE-

Collateral

**Exemption Amount** 

Value of Collateral

**B.** Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f). The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only.

Creditor -NONE-

Type of Lien

Description of Collateral

Basis for Avoidance

- 8. Treatment and Payment of Claims.
  - All creditors must timely file a proof of claim to receive payment from the Trustee.
  - If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the Plan, the creditor may be treated as unsecured for purposes of distribution under the Plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
  - If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the Plan.
  - The Trustee may adjust the monthly disbursement amount as needed to pay an allowed secured claim in full.
- **9. Vesting of Property of the Estate.** Property of the estate shall revest in the debtor(s) upon confirmation of the Plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, encumber real property or enter into a mortgage loan modification without approval of the Court after notice to the Trustee, any creditor who has filed a request for notice and other creditors to the extent required by the Local Rules of this Court.
- **10. Incurrence of indebtedness.** The debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total of \$5,000 principal amount during the term of this Plan, either unsecured or secured against personal property, except upon approval of the Court after notice to the Trustee, any creditor who has filed a request for notice, and other creditors to the extent required by the Local Rules of this Court.
- 11. Other provisions of this plan:

Trustee may compensate attorney pursuant to any fee application approved by the Court.

**Signatures:** 

Dated: March 3, 2015	
/s/ Max Wheeler	/s/ Richard O. Gates, Esq.
Max Wheeler	Richard O. Gates, Esq. 13857
Debtor	Debtor's Attorney

**Exhibits:** Copy of Debtor(s)' Budget (Schedules I and J);

Matrix of Parties Served with Plan

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#### Certificate of Service

I certify that on March 3, 2015, I mailed a copy of the foregoing to the creditors and parties in interest on the attached Service List.

/s/ Richard O. Gates, Esq.

Richard O. Gates, Esq. 13857
Signature

P. O. Box 187
10030 Ironbridge Road
Chesterfield, VA 23832
Address

(804) 748-0382

Telephone No.

Ver. 09/17/09 [effective 12/01/09]

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	in this information to identify your captor 1  Max Wheele								
Del	otor 2 use, if filing)	•			_				
	ted States Bankruptcy Court for the	EASTERN DISTRICT	OF VIRGINIA		_				
	se number nown)		-			Check if this is:  An amended A supplement	ed filing ent showing (		chapter
O.	fficial Form B 6I						as of the follo	owing date:	
	chedule I: Your Inc	nma				MM / DD/ Y	YYY		12/13
sup spo atta	as complete and accurate as possible plying correct information. If you use. If you are separated and you ch a separate sheet to this form.	are married and not filing wi	ng jointly, and your s ith you, do not includ	pouse i le infori	s living nation a	with you, incl bout your spo	ude informa ouse. If more	ition about e space is r	your needed,
Par									
1.	Fill in your employment information.		Debtor 1			Debtor 2	or non-filin	ng spouse	
	If you have more than one job, attach a separate page with information about additional employers.	Employment status	☐ Employed ■ Not employed			☐ Empl	-		
	. ,	Occupation	-						
	Include part-time, seasonal, or self-employed work.	Employer's name				_			
	Occupation may include student or homemaker, if it applies.	Employer's address							
		How long employed the	here?						
Par	t 2: Give Details About Mor	thly Income							
spou	mate monthly income as of the dause unless you are separated.  u or your non-filing spouse have more space, attach a separate sheet to	ore than one employer, co	-		-				
					For	r Debtor 1	For Debte		
2.	List monthly gross wages, sala deductions). If not paid monthly, or			2.	\$	0.00	\$	N/A	
3.	Estimate and list monthly overt	me pay.		3.	+\$	0.00	+\$	N/A	
4.	Calculate gross Income. Add lin	e 2 + line 3.		4.	\$	0.00	\$	N/A	

Deb	tor 1	Max Wheeler		Case	number (if known)		<del>15-3</del> :	1087
				Foi	Debtor 1		Debtor 2 or	
	0	ur line A have	4	Ф.	0.00		filing spouse	
	Cop	by line 4 here	4.	\$_	0.00	\$	N/A	
5.	List	all payroll deductions:						
	5a.	Tax, Medicare, and Social Security deductions	5a.	\$	0.00	\$	N/A	
	5b.	Mandatory contributions for retirement plans	5b.	\$	0.00	\$	N/A	
	5c.	Voluntary contributions for retirement plans	5c.	\$	0.00	\$	N/A	
	5d.	Required repayments of retirement fund loans	5d.	\$_	0.00	\$	N/A	
	5e.	Insurance	5e.	\$_	0.00	\$ <u> </u>	N/A	
	5f.	Domestic support obligations Union dues	5f.	\$ \$	0.00	\$ <u> </u>	N/A	
	5g. 5h.	Other deductions. Specify:	5g. 5h.+	٠	0.00	* <u>*</u> —	N/A	
•			_	Ψ-	0.00	: <del></del>	N/A	
6.		I the payroll deductions. Add lines 5a+5b+5c+5d+5e+5f+5g+5h.	6.	* –	0.00	\$	N/A	
7.	Cal	culate total monthly take-home pay. Subtract line 6 from line 4.	7.	\$ <u> </u>	0.00	\$	N/A	
8.	List 8a.	all other income regularly received:  Net income from rental property and from operating a business, profession, or farm  Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.	8a.	\$	0.00	\$	N/A	
	8b.	Interest and dividends	8b.	\$	0.00	\$	N/A	
	8c.	Family support payments that you, a non-filing spouse, or a dependent regularly receive Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.	8c.	\$	0.00	\$	N/A	
	8d.	Unemployment compensation	8d.	\$	0.00	\$	N/A	
	8e.	Social Security	8e.	\$	1,244.00	\$	N/A	
	8f.	Other government assistance that you regularly receive Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies.  Specify: VA disability	8f.	\$_	258.83	\$	N/A_	
	8g.	Pension or retirement income	8g.	\$	2,585.17	\$	N/A	
	8h.	Other monthly income. Specify:	_ 8h.+	\$_	0.00	+ \$	N/A	
9.	Add	all other income. Add lines 8a+8b+8c+8d+8e+8f+8g+8h.	9.	\$	4,088.00	\$	N/A	
10.	Cal	culate monthly income. Add line 7 + line 9.	10. \$		4,088.00 + \$		N/A = \$ 4	,088.00
		the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.					- TOTAL   1 - 1	,,000.00
11.	Incl othe Do	te all other regular contributions to the expenses that you list in Schedule ude contributions from an unmarried partner, members of your household, your er friends or relatives.  not include any amounts already included in lines 2-10 or amounts that are not acify:	depen		•		chedule J. 11. +\$	0.00
12.		I the amount in the last column of line 10 to the amount in line 11. The res e that amount on the Summary of Schedules and Statistical Summary of Certailies					12. \$ <b>4</b>	l,088.00
	_						monthly i	
13.	Do :	you expect an increase or decrease within the year after you file this form' No.	?					
	_	No. Yes Explain:						

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15 - 31087Fill in this information to identify your case: Debtor 1 Check if this is: **Max Wheeler** ☐ An amended filing A supplement showing post-petition chapter Debtor 2 13 expenses as of the following date: (Spouse, if filing) United States Bankruptcy Court for the: <u>EASTERN DISTRICT OF VIRGINIA</u> MM / DD / YYYY A separate filing for Debtor 2 because Debtor 2 maintains a separate household (If known) Official Form B 6J Schedule J: Your Expenses 12/13 Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question. Part 1: Describe Your Household Is this a joint case? No. Go to line 2. ☐ Yes. Does Debtor 2 live in a separate household? ☐ Yes. Debtor 2 must file a separate Schedule J. Do you have dependents? No. Do not list Debtor 1 and Fill out this information for Dependent's relationship to Dependent's Does dependent ☐ Yes. each dependent..... Debtor 1 or Debtor 2 live with you? Debtor 2. age □ No Do not state the dependents' names. ☐ Yes ☐ No ☐ Yes ☐ No ☐ Yes ☐ No ☐ Yes Do your expenses include ■ No expenses of people other than ☐ Yes yourself and your dependents? Estimate Your Ongoing Monthly Expenses Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental Schedule J, check the box at the top of the form and fill in the applicable date. Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on Schedule I: Your Income Your expenses (Official Form 6I.) The rental or home ownership expenses for your residence. Include first mortgage 1,034.00

4. \$ payments and any rent for the ground or lot. If not included in line 4: Real estate taxes 0.00 4b. Property, homeowner's, or renter's insurance 4b. \$ 0.00 4c. Home maintenance, repair, and upkeep expenses 4c. \$ 80.00 Homeowner's association or condominium dues 4d. \$ 0.00 Additional mortgage payments for your residence, such as home equity loans 0.00

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Debto	or 1 Max Whe	eeler	Case number (if known)	15_31087
				13 31007
-	Utilities:	heat, natural gas	60 ¢	235.00
	·	ver, garbage collection	6a. \$ 6b. \$	
		e, cell phone, Internet, satellite, and cable services		23.00
	•		- · · · ·	75.00
	6d. Other. Spe		6d. \$	0.00
		ekeeping supplies	7. \$ 8. \$	500.00
		hildren's education costs	·	0.00
	•	ry, and dry cleaning	9. \$	90.00
	•	roducts and services	10. \$	60.00
	Medical and der	•	11. \$	200.00
	Transportation. Do not include ca	Include gas, maintenance, bus or train fare.	12. \$	250.00
		clubs, recreation, newspapers, magazines, and books	13. \$	150.00
		ributions and religious donations	14. \$	0.00
	Insurance.		·	0.00
-		surance deducted from your pay or included in lines 4 or 20.		
•	15a. Life insura	nce	15a. \$	14.00
•	15b. Health ins	urance	15b. \$	0.00
•	15c. Vehicle ins	surance	15c. \$	0.00
•	15d. Other insu	rance. Specify:	15d. \$	0.00
16.	Taxes. Do not in	clude taxes deducted from your pay or included in lines 4 or 20.		
	Specify:		16. \$	0.00
	Installment or le		47 6	
		ents for Vehicle 1	17a. \$	0.00
		ents for Vehicle 2	17b. \$	0.00
	17c. Other. Spe		17c. \$	0.00
	17d. Other. Spe	•	17d. \$	0.00
		of alimony, maintenance, and support that you did not report your pay on line 5, <i>Schedule I, Your Income</i> (Official Form 6I).		0.00
		s you make to support others who do not live with you.	\$	0.00
	Specify:	, , ,	19.	0.00
		erty expenses not included in lines 4 or 5 of this form or on S		
		on other property	20a. \$	0.00
2	20b. Real estate	e taxes	20b. \$	0.00
2	20c. Property, h	nomeowner's, or renter's insurance	20c. \$	0.00
2	20d. Maintenan	ce, repair, and upkeep expenses	20d. \$	0.00
2	20e. Homeown	er's association or condominium dues	20e. \$	0.00
21. (	Other: Specify:		21. +\$	0.00
22 1	Varir manthly a	Add lines 4 through 04	22. \$	0.744.00
	•	xpenses. Add lines 4 through 21.	22. \$	2,711.00
	The result is your monthly expenses.  Calculate your monthly net income.			
		12 (your combined monthly income) from Schedule I.	23a. \$	4,088.00
		monthly expenses from line 22 above.	23b\$	2,711.00
		, • <del>-</del>		2,711.00
2	23c. Subtract y	our monthly expenses from your monthly income.		
		is your monthly net income.	23c. \$	1,377.00
		•		
	Oo you expect an increase or decrease in your expenses within the year after you file this form? For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a			
	modification to the terms of your mortgage?			ase of decrease decause of a
	No.			
	□ Yes.			
	Explain:			

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Bank of America P. O. Box 2284 Brea, CA 92822-2284

Dominion Virginia Power P. O. Box 26543 Richmond, VA 23290-0001

Dominion Virginia Power c/o CI Contract Callers P. O. Box 2207 Augusta, GA 30903

JPMorgan Chase c/o BWW 8100 Three Chopt Road, #240 Henrico, VA 23229

JPMorgan Chase Bank 3415 Vision Drive, OH -7133 Columbus, OH 43219

OneMain Financial Bankruptcy Department P. O. Box 6042 Sioux Falls, SD 57117-6042

OneMain Financial c/o ACI Collections 35A Rust Lane Boerne, TX 78006-8202

U.S. Dept. of Veterans Affairs P.O. Box 530269 Atlanta, GA 30353-0269

USAA P. O. Box 65020 San Antonio, TX 78265-5020

USAA c/o United Recovery Systems P. O. Box 722929 Houston, TX 77272-2929

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USAA Credit Card Payments 10750 McDermott Freeway San Antonio, TX 78288-0570

Verizon P. O. Box 920041 Dallas, TX 75392-0041

Verizon c/o Southwest Credit 4120 International Pk, #1100 Carrollton, TX 75007